

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVID SCOTT YARNALL

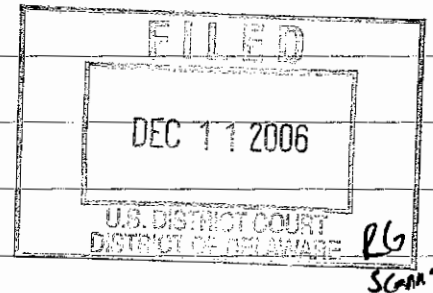
VS

CPL. ANTHONY MENDOZA ET AL
DELAWARE STATE POLICE TROOP 7
PTLM LOWE, UNKNOWN POLICE OFFICERS
WHO RESPONDED TO SCENE OF MILLSBORO
POLICE AND PFC. BUCKERT

NO: 05-527-SLR

NOTICE OF MOTION

TO: OFFICE OF THE CLERK
U.S. DISTRICT COURT
844 N. KING ST
WILMINGTON, DE 19801



PLEASE TAKE NOTICE THAT THE ATTACHED MOTION OF
PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS
WILL BE PRESENTED AT THE CONVENIENCE OF THE HONORABLE
COURT.

DAVID S. YARNALL 548973

DSY

SUSSEX CORRECTIONAL INST.

P.O. BOX 500

GEORGETOWN DE 19947

DATED: 12/06/06

IN THE UNITED STATES DISTRICT COURT
FOR THE DELAWARE DISTRICT

DAVID SCOTT YARNALL
PLAINTIFF
VS

CPL. ANTHONY MENDEZ ET AL
DELAWARE STATE POLICE TROOP 7
PTLM LOWE, UNKNOWN POLICE OFFICERS
WHO RESPONDED TO SCENE OF MILLSBORO
POLICE AND PFC. BUCKERT
DEFENDANTS


PLAINTIFF'S
FIRST SET OF
INTERROGATORIES
TO DEFENDANTS

CIVIL ACTION NO. 05-527-SLR

IN ACCORDANCE WITH RULE 33 OF THE FEDERAL RULES OF CIVIL
PROCEDURE, PLAINTIFF REQUESTS THAT DEFENDANT PTLM LOWE ANSWER
THE FOLLOWING INTERROGATORIES UNDER OATH, AND THAT THE ANSWERS
BE SIGNED BY THE PERSON MAKING THEM AND BE SERVED ON
PLAINTIFFS WITHIN 30 DAYS OF SERVICE OF THESE INTERROGATORIES. IF
IF YOU CANNOT ANSWER THE FOLLOWING INTERROGATORIES IN FULL, AFTER
EXERCISING DUE DILIGENCE TO SECURE THE INFORMATION TO DO SO, SO
STATE AND ANSWER TO THE EXTENT POSSIBLE, SPECIFYING YOUR
INABILITY TO ANSWER THE REMAINDER AND STATING WHATEVER
INFORMATION OR KNOWLEDGE YOU HAVE CONCERNING THE UNANSWERED
PORTIONS.

THESE INTERROGATORIES SHALL BE DEEMED CONTINUING, SO AS TO REQUIRE
SUPPLEMENTAL ANSWER AS NEW AND DIFFERENT INFORMATION
MATERIALIZES.

DATED: 12/06/06

SIGNED: 

- 1) PTLM LOWE 10732001, DO YOU NEED GLASSES TO SEE THAT I, DSU, WAS NOT RESISTING WHEN YOU JABBED ME IN THE RIBS AND TASERED ME?
- 2) WHO GAVE YOU THE ORDER TO ASSAULT ME?
- 3) WHY WOULD YOU BE SCREAMING FOR ME TO GET ON MY STOMACH AFTER YOU SUCKER PUNCHED ME WITH A TASER GUN AND I WAS LAYING ON MY BACK ALREADY HANDCUFFED?
- 4) WHY IS YOUR POLICE REPORT "PENDING SUPERVISORY REVIEW"?
- 5) WHY IS YOUR POLICE REPORT MOSTLY ALL LIES?
- 6) WHERE IN THE VIDEO (7SP 6345/TAPE 7-218); WHILE I'M LAYING ON MY BACK, ON MY HANDCUFFED HANDS, YOU PTLM LOWE SCREAMING AT ME, DSU, "GET ON YOUR STOMACH" ARE YOU PUTTING ON RUBBER GLOVES TO KEEP MY BLOOD FROM GETTING ON YOU?
- 7) PTLM LOWE, SO YOU MEAN TO TELL ME YOU WERE POINTING A TASER GUN AT ME, HOLLERING FOR ME TO GET ON MY STOMACH AND PUTTING RUBBER GLOVES ON ALL AT THE SAME TIME?
- 8) DID YOU SAY IT AS A JOKE OR DID YOU THINK IT WAS FUNNY WHEN YOU SAID "ITS PROBABLY IN THE MAN'S HEAD" AFTER CPL MENDEZ ASKED WHERE HIS FLASHLIGHT WAS?
- 9) DO YOU LIKE THE SIGHT OF BLOOD BECAUSE YOU SEEMED TO ENJOY MINE ALL OVER MENDEZ'S HOOD OF HIS POLICE CRUISER ON THE VIDEO?
- 10) WHILE YOU WERE HARASSING AND ASSAULTING AND TASERING ME IN FRONT OF THE POLICE CRUISER, THE OTHER OFFICER'S WERE JUST STANDING AROUND DOING NOTHING WERENT THEY?
- 11) HAS PTLM LOWE 10732001 EVER HAD A COMPLAINT FILED AGAINST HIM?

- 12) WHO WERE THE POLICE OFFICERS STANDING ACROSS FROM MENDEZ AND I A MINUTE BEFORE YOU AND BUCHERT ARRIVED?
- 13) NOW THAT IVE PUNCHED HOLES ALL THROUGH YOUR POLICE REPORT, WERE YOU REALLY THE FIRST OFFICER'S ON THE SCENE?
- 14) DID YOU TAZER ME SO I WOULD FORGET THAT I SAW TWO COPS STANDING ACROSS FROM ME BECAUSE YOU KNOW THAT GETTING TAZERED CAUSES MEMORY LOSS?
- 15) PTLM LOWE, YOU STATED IN YOUR POLICE REPORT THAT YOU BACKED OFF OF ME, PSY, TO PUT THE SHOOTING CARTRIDGE ON THE TASER GUN, IS THAT BECAUSE YOU WERE ONE OF THE COPS ACROSS FROM ME THAT ALREADY HAD SHOT THEIR TASER GUN?
- 16) WHY DID YOU STATE IN YOUR POLICE REPORT THAT YOU ZIP TIED MY FEET WHILE WAITING FOR MORE OFFICERS TO ARRIVE AND YOU ARE SEEN HURRYING TO ZIP TIE MY FEET RIGHT AS THE AMBULANCE IS TURNING A RIGHT INTO GROTTO'S?
- 17) HOW MANY OTHER POLICE REPORTS HAVE YOU LIED ON?
- 18) WAS THAT YOUR TASER GUN CABLE THAT I SAW COILED AT THE BOTTOM OF MENDEZ'S WINDSHIELD THAT WAS ALREADY SHOT?
- 19) WHO WAS THE COP THAT GOT THE FLASHLIGHT FROM THE OLDER GUY, AND HE GOT THAT FROM PC2 WHILE I WAS GETTING ATTACKED BY YOU PTLM LOWE?
- 20) YOU STATED IN YOUR POLICE REPORT THAT I JUMPED UP OFF THE GROUND AND RAN, WASNT IT THE BLOW TO THE BACK OF MY NECK THAT KNOCKED ME TO MY KNEES, THEN I RAN BECAUSE YOU KEPT THREATENING ME AND HARASSING ME WITH THE TASER GUN?

- 21) YOU DID NOT GET ANY BLOOD ON YOURSELF BECAUSE IN THE VIDEO YOU PLACE YOUR LEFT PALM ON THE CORNER OF THE HOOD TO KEEP YOUR HAND OUT OF THE BLOOD ON THE HOOD AS MENDEZ FALLS ON TOP OF ME. HOW DID YOU KNOW THERE WAS BLOOD ALL OVER THE HOOD?
- 22) PFC LOWE, IS IT TRUE THAT A JOLT FROM A TASER CAN DISABLE A MAN FOR MINUTES, LEAVE HIM HELPLESS, MUSCLES SPASMING AS HIS NERVES MISFIRE?
- 23) SO, AFTER YOU TASERED ME THE FIRST TIME, HOW COME YOU OR NOBODY ELSE TRIED TO RESTRAIN ME THERE IN FRONT OF THE CAR AS YOUR PARTNER PFC BUCHERT CLAIMS?
- 24) AFTER SEEING YOUR JOKING MANNER, ^{AT THE END OF THE VIDEO} DID YOU AND BUCHERT WANT TO PLAY WITH ME AND GIVE ME ROOM TO RUN TO SEE IF I WOULD?
- 25) HOW MANY OTHER GUYS HAVE YOU ASSAULTED BEFORE TAKING THEM TO JAIL?

CERTIFICATE OF SERVICE

I, DAVID SCOTT YARNALL, HEREBY CERTIFY THAT I HAVE
SERVED A TRUE AND CORRECT COPY OF THE ATTACHED
MOTION UPON THE FOLLOWING PARTY, ON THE 6 DAY
OF DECEMBER, 2006.

CHIEF EXECUTIVE OFFICER OF
THE CITY OF MILLSBORO

AKIN AND HERRON
S/ BRUCE C. HERRON
1220 N. MARKET ST
SUITE 300
P.O. BOX 25047
WILMINGTON, DE, 19899

ATTORNEY GENERAL
DEPT OF JUSTICE
102 WEST WATER ST 3RD FL.
DOVER DE 19904

322 WILSON HIGH.
MILLSBORO DE 19966

DATED 12/06/06

DAVID S. YARNALL

